

MINUTES

INDIANA STATE BOARD OF DENTAL EXAMINERS

JANUARY 4, 2008

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Burns called the meeting to order at 9:00 a.m. in the Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Jill Burns, D.D.S., President
Laverne Whitmore, L.D.H. B.S., Vice President
Galen Williams, D.D.S., Secretary
Matthew Miller, D.D.S.
Richard T. Newton, II, D.D.S.
Gary Haller, D.D.S.
Theodore Rokita, D.D.S.
Philip Catey, D.D.S.
Steven Hollar, D.D.S.
Clance LaTurner, Consumer Member

Board Members Absent:

Charles Heape, D.D.S.

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Board Director, Professional Licensing Agency
Liz Brown, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

WILLIAMS/WHITMORE

Motion carried 9-0-0

Dr. Rokita was not present for this vote.

III. ADOPTION OF THE MINUTES FROM THE DECEMBER 7, 2007 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes with corrections of the December 7, 2007 meeting of the Board.

HALLER/LaTURNER

Motion carried 9-0-0

Dr. Rokita was not present for this vote.

IV. APPEARANCES

A. PROBATIONARY

1. State of Indiana v. Daniel J. Fink, D.D.S., License No. 12007602A
Administrative Cause No. 2006 DB 0006

Dr. Fink appeared before the Board, as requested, regarding his probationary status. Dr. Fink provided the Board with his new address and stated his phone number had not changed. He stated he is not currently taking any medications and that he now has a prospective supervising monitor, Oluseyiadisa Ayangade, D.D.S. and/or Creshida Ayangade, D.D.S., for employment. The Board explained that a letter was sent to his prospective supervisors to make sure that they both understand and agree to the monitoring conditions. Once the Board has heard back from Drs. Ayangade, and it is approved by Dr. Williams, then Dr. Fink may begin his employment. Dr. Fink said he will be doing general practice and would like to start on January 14th, 2008. He stated he will make every effort that his prospective employer responds to the Board prior to starting work. Dr. Fink's next personal appearance is February 1, 2008.

2. State of Indiana v. Teresa Michelle McCrady, D.D.S., License No. 12010271A
Administrative Cause No. 2006 DB 0003

Dr. McCrady appeared before the Board, as requested, regarding her ongoing probationary status. She had no problems to report and stated things were going very well. She is not currently taking any medications. The Board asked her about her community service requirement and she explained she submitted an outline to her probation officer about doing her community service for the drug court. She will notify the board when her community service begins.

B. APPLICATION

1. Robert B. Angerman, D.D.S.
Re: Application for Dental Intern Permit

Dr. Angerman and Dr. Steven Holm appeared before the Board, as requested, regarding Dr. Angerman's application for a dental intern permit at Indiana University Northwest. The Board asked to speak with Dr. Holm concerning the supervision of Dr. Angerman and the fact that he gave an injection without being properly licensed. Dr. Holm explained that he signed his name as the supervisor on the dental intern permit application because he is the main dentist on staff. He stated that Dr. Angerman is a teacher at the clinic and is not directly supervised by anyone. When he is on the clinic floor he would be the dental instructor. Dr. Holm expressed that the main function is to make sure the dental hygiene students are removing calculus from teeth and perhaps in 1% of the patients an anesthetic injection is needed. He understands that it was not the right thing to do given that he was not yet licensed but asked the Board to overlook it because Dr. Angerman is needed at the dental hygiene clinic. He stated it is difficult to find dentists who are willing to work at the clinic and often times it is a retired dentist such as Dr. Angerman. Dr. Holm stated that you do need a license to be an instructor at the clinic but the program director failed to check to make sure that Dr. Angerman's licensure was in order. The Program Director, Ms. Robinson, is not a dentist, which is why Dr. Holm was asked to sign the dental intern permit application. The Board told Dr. Holm they will be in contact with Ms. Robinson to make sure that she understands what is needed so that the dental hygiene program is working within the laws. Ms. Whitmore questioned advisory counsel, Ms. Brown, about whether the Board can issue a dental intern permit to

Dr. Angerman given that he has already been licensed in Indiana. Ms. Brown explained that the Board has discretion and they have granted dental intern permits in similar past circumstances and they need to be consistent. Dr. Angerman reiterated that he only let his license lapse due to serious health issues and never thought he would be healthy enough to work again. He expressed his respect for the dental profession and would like to be able to teach.

Board Action: A motion was made and seconded to grant the dental intern permit upon receipt of a letter from his doctor attesting to his past and current medical history. Upon submission, the information will be reviewed by Dr. Miller.

HALLER/CATEY
Motion carried 9-1-0
Ms. Whitmore dissented

V. ADMINISTRATIVE HEARINGS

A. State of Indiana v. Robert D. Lucas, D.D.S., License No. 12006620A Administrative Cause No. 2003 DB 0005 Re: Final Hearing

Parties and Counsel Present:

Respondent was present and was represented by Counsel Jennifer Lukemeyer
Mark Mader, Deputy Attorney General for the State of Indiana
Sherry Rutledge, Court Reporter

Participating Board Members:

Dr. Burns (Hearing Officer)
Ms. LaTurner
Dr. Newton
Dr. Miller
Dr. Hollar
Dr. Catey
Dr. Haller
Dr. Rokita

*Dr. Williams and Ms. Whitmore, L.D.H., B.S. recused themselves from this matter.

Case Summary: On November 25, 2003, Deputy Attorney General, Sara Matticks of the Indiana Office of the Attorney Generals' Office filed a Complaint against the Respondent. On or about October 17, 2002, the Indianapolis Police Department received information that Respondent was trading controlled substances for various items including alcoholic beverages. IPD conducted an undercover investigation between October 17, 2002 and April 17, 2003. The Complaint details several occasions where the Respondent traded controlled substances to an undercover officer for alcohol. Respondent was arrested on or about May 30, 2003, and charged with four counts of dealing a schedule III controlled substance, a class B felony. Following his arrest the Respondent entered Rush Behavioral Health Center. The State explained the Attorney General's office has had several staff changes and a reorganization since it was filed in 2003. The State noted for the Board that Respondent completed the Rush program and then signed a five year contract agreement with the Indiana Dental Wellness Program. Respondent is set to complete that agreement in August 2008. In 2005 the Respondent pled guilty in Marion Circuit Court and was placed in probation which has now been terminated. The State told the Board that Respondent has taken all of the steps for rehabilitation and recovery on his own without the Board's involvement. The State referred to a

letter they received from the Dr. Frick, of the Indiana Dental Wellness Program explaining what has been required of the Respondent and that he has been in exemplary compliance. Respondent's Counsel reiterated the timeline of events and the Respondent's commitment to his recovery and the success he has had so far. Furthermore the Respondent completed 490 hours of Community Service with the Red Cross and continues to volunteer. The Respondent's counsel asked that the Complaint be dismissed and the State had no objections.

Board Action: A motion was made and seconded to dismiss the Complaint without further action.

HOLLAR/MILLER
Motion carried 8-0-2

VI. SETTLEMENT AGREEMENTS

A. State of Indiana v. Charles Mullin, D.D.S., License No. 12008510A

Parties and Counsel Present:

Respondent was not present and was not represented by counsel
Mark Mader, Deputy Attorney General

Participating Board Members:

Dr. Burns (Hearing Officer)
Ms. Whitmore, L.D.H., B.S.
Dr. Williams
Ms. LaTurner
Dr. Newton
Dr. Miller
Dr. Hollar
Dr. Catey
Dr. Rokita
Dr. Haller

Case Summary: The State presented the Board with a Motion to Dismiss the administrative complaint that was filed against the Respondent on December 5, 2005. The State advised the Respondent is deceased.

Board Action: A motion was made and seconded to dismiss the complaint with no further action.

WILLIAMS/LaTURNER
Motion carried 10-0-0

VII. NOTICE OF PROPOSED DEFAULT

There were no Notices of Proposed Default before the Board.

VIII. OLD/NEW BUSINESS

- A.** Ms. Whitmore was chosen to be the liaison to the dental hygiene programs in Indiana. She will work with Ms. Vaught to write a letter to all programs making them

aware of the laws and providing instruction on the correct use of a dental intern permit.

IX. DISCUSSION

- A. Advisory Counsel, Ms. Brown, gave a follow-up to the Board regarding the mock meeting they would like to have at the Indiana University School of Dentistry. She researched the open door law and thinks a mock meeting may be problematic because anytime the Board meets and a quorum is established it appears to be conducting business, which is defined broadly within the open door law. Therefore the mock meeting could be considered a board meeting. The Board discussed having only five board members to volunteer to participate and then there will not be a quorum. They will use students present to act as Board members.
- B. Dr. Burns asked if any Board members are interested in looking into corporate dentistry and determine what impact they are having. There were no volunteers at that time.

X. APPLICATION REVIEW

A. Endorsement

There were no endorsement applications for the Board to review.

B. Examination

There were no examination applications for the Board to review.

C. Anesthesia and Sedation Permits

There were no anesthesia and sedation permits.

D. Dental Intern Permit

There were no dental intern permit applications to review.

E. Mobile Dental Facility

1. Wes Brown, D.D.S.

Dr. Miller reviewed the additional information that was submitted per the Board's request and determined that everything appeared to be in order. Dr. Hollar commented that in the future when they are writing rules for a mobile dental facility the license should be restricted to a certain area in which they can practice.

Board Action: A motion was made and seconded to grant the mobile dental facility license.

MILLER/HALLER
Motion carried 10-0-0

F. Professional Corporations

There were no professional corporation applications to review.

XII. PROBATIONARY REPORT

A. Penelope Lynn Dunlap, D.D.S.

Dr. Dunlap is in compliance with the terms and conditions of her probationary order. Dr. Dunlap has not submitted her report of speaking to senior year dental students at Indiana University. The Board requested a letter be sent requesting if this has been scheduled or has been completed.

B. Christopher Leonard, D.D.S.

Dr. Leonard's monthly report from the Indiana Dental Association Wellness Program was reviewed and accepted. Dr. Leonard submitted his fine of \$500 on December 3, 2007 and will be completing his community service at the Esperanza Center located in Greenwood in January and February 2008. Dr. Leonard has not submitted a report from his work site monitor for November and December 2007. The Board requested that Dr. Leonard be sent a letter requesting that the work site monitor reports be up to date for his February 1, 2008 appearance.

C. Jim D. Frankos, D.D.S.

Dr. Frankos' monthly report from the Indiana Dental Association Wellness Program was reviewed and accepted. He is in compliance with his probationary order. His next appearance will be scheduled for April 2008.

D. James Cahillane, D.D.S.

Dr. Cahillane monthly report from the Indiana Dental Association Wellness Program was reviewed and accepted. He is in compliance with his probationary order. His next appearance will be scheduled for November 2008.

E. Bland Walker, D.D.S.

Dr. Walker's monthly report from the Indiana Dental Association Wellness Program was reviewed and accepted. Dr. Walker is in compliance with his probationary order.

XIII. CONTINUING EDUCATION

A. Aegis Progressive Solutions

Dr. Newton wanted to review all of the documentation and table his decision until the next board meeting.

XIV. REPORTS

A. Dr. Burns presented article topics for Board members to write in upcoming issues of the Indiana Dental Association newsletter. The topics include:

- Continuing Education/Lapsed Licenses - Dr. Haller

- Teeth Whitening – Dr. Rokita
- Dental Hygiene Law – Ms. Whitmore
- Public Health/Community Service - Ms. LaTurner
- Disciplinary Actions/Complaint Process - Dr. Williams
- Mobile Dental Facility - Dr. Heape
- Advertising – Dr. Newton
- Sedation – Dr. Miller

- B. Dr. Rokita handed out a rough draft of his letter regarding teeth whitening and grills. The Board and advisory counsel reviewed the letter and discussed some changes and additions.
- C. Dr. Williams advised he is reviewing Ohio's disciplinary guidelines and continues to work on precedent information. He has been looking at minimum and maximum punishments for particular infractions and mitigating and aggravating factors.
- D. Ms. Whitmore discussed what questions should be addressed by Board members outside of the meeting. It is best that all questions go to the Board Director, Assistant Director or Professional Licensing Agency. They can determine which questions can be answered by using the resources available or which questions may be directed to the full board for review.
- E. Mr. Bush with the Indiana Dental Association informed the Board that the IDA House of Delegates has proposed language for a bill that is sponsored by Representative Welch which will address several areas:
- Define direct supervision and supervision in general.
 - Allow a licensed dental hygienist who is properly trained to administer local anesthesia under the direct supervision of a dentist.
 - Allow dental assistants to polish and fluoride.
 - Allow dental hygienists to practice under prescription supervision instead of direct supervision at a charitable clinic.

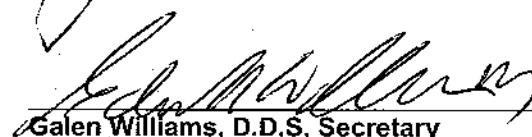
Mr. Bush also stated that Ed Rosenbaum is the new primary contact for the Indiana Dental Wellness Program.

XV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana State Board of Dentistry adjourned at 12:00 p.m.


Jill Burns, D.D.S., President

2-1-08
Date


Galen Williams, D.D.S., Secretary

2-1-08
Date